IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37615 of 2007(S)

OS.30/2007 of WAKF TRIBUNAL, KOZHIKODE
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PETITIONERS:
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1. P.P.ABOBACKER, SON OF ALI AHAMADUNNI, PARAPOORAYIL HOUSE, PERUMPADAPPU P.O., MALAPPURAM DISTRICT.

2. P.N.KUNHI BAPPU, SON OF MUHAMMU, PUTHIYA VEETTIL NAKOLAKKAL, PERUMPADAPPU P.O., MALAPPURAM DISTRICT.

3. HARIS MUHAMMED, SON OF MUHAMMED, KARAKOODATHIL HOUSE, PERUMPADAPPU P.O. , MALAPPURAM DISTRICT.

4. ABDUL SALAM, SON OF ABDU, PULIYANALIL HOUSE, PERUMPADAPPU P.O., MALAPPURAM DISTRICT.

5. C.UMMER, SON OF BAPPU, CHENGATHU HOUSE, PERUMPADAPPU P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. PUTHANPALLI JARAM MADRASSA & HOSPITAL PARIPALANA COMMITTEE, REPRESENTED BY ITS GENERAL SECRETARY, K.ABDURAHIMAN, KUVAKATTAYIL, P.O. PERUMPADAPPU, PONNANI TALUK, MALAPPURAM DISTRICT.

2. PUTHANPALLI JARAM MADRASSA & HOSPITAL PARIPALANA COMMITTEE, REPRESENTED BY ITS PRESIDENT, P. BEERAN HAJI, PUZHANKANDATHIL, P.O.PERUMPADAPPU, PONNANI TALUK, MALAPPURAM DISTRICT.

3. C.MUHAMMED SHEREEF, SON OF AHAMUDHUNI MUSLIAR, JOINT SECRETARY, PUTHANPALLI JARAM MADRASSA & HOSPITAL PARIPALANA COMMITTEE, KUVAKATTAYIL, P.O.PERUMPADAPPU, PONNANI TALUK, MALAPPURAM DISTRICT.

4. CHIEF EXECUTIVE OFFICER, KERALA WAKF BOARD, VIP ROAD, KALOOR, ERNAKULAM, KOCHI-17.

BY ADV. SRI. P.A.ABDUL JABBAR FOR R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kurian Joseph & Harun-Ul-Rashid, JJ.

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W.P.(C) No. 37615 of 2007

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Dated this the 18th day of December, 2007

JUDGMENT

Petitioners are aggrieved by Ext.P8 order passed by the Wakf Tribunal, Kozhikode in I.A. No.1066/2007 in O.S.No.30/2007. The I.A. is filed for restraining the governing body from taking any steps to expel the petitioners from the governing body without complying with the provisions of the bye-law of the 1st respondent committee. The suit is pending. Whether the governing body has power to expel the members from the governing body or whether the governing body has power only to seek the prior approval of the general body in order to initiate action for expulsion is one of the issues raised in the suit

2. Having considered the rival contentions of the parties, we are of the view that the Tribunal should be directed to dispose of the suit expeditiously untrammelled by the observations and findings in the impugned order. Therefore, without expressing any opinion on merits of the contentions taken by the parties and leaving the entire questions open, we direct the Wakf Tribunal to dispose of O.S. No.30/2007 as expeditiously

untrammelled by any of the observations and findings in the impugned order.

The writ petition is disposed of as above.

Sd/-Kurian Joseph,
Judge.

Sd/-Harun-Ul-Rashid,
Judge.

/true copy/

P.A. to Judge.

mn.